

STAFF SUMMARY FOR FEBRUARY 21, 2020

12B. EXECUTIVE DIRECTOR'S REPORT – LEGISLATIVE REPORT**Today's Item****Information** **Action**

Review and discuss legislation of interest and provide staff direction on potential actions.

Summary of Previous/Future Actions (N/A)**Background**

FGC staff has prepared a list of state and federal legislation that may affect FGC's resources and workload or be of interest (below). DFW has provided a report on state bills it has identified as being of interest, including the current status of each (Exhibit 1).

Today is an opportunity for FGC to provide direction to staff concerning proposed legislation and regulatory actions. At any meeting, FGC may direct staff to provide information to or share concerns with bill authors or regulatory agencies. FGC members may also take positions on bills at the same meeting an update is provided.

State Legislation*Legislative Calendar Highlights for 2019-2020*

- Jan 31, 2020: Last day for each house to pass bills introduced in that house in the odd-numbered year
- Feb 21: Last day for bills to be introduced in either house
- Apr 2-12: Spring recess (begins upon adjournment on Apr 2)
- May 8: Last day for policy committees to meet prior to Jun 1
- May 15: Last day for fiscal committees to meet prior to Jun 1
- May 29: Last day for each house to pass bills introduced in that house
- Jun 1: Committee meetings may resume
- Jun 15: Budget bill must pass by midnight

Bills Introduced during the 2019-2020 Session

A number of the state assembly bills (AB) and senate bills (SB) identified in DFW's report (Exhibit 1, which provides the status and summary) may affect FGC's resources and workload or are potentially of interest:

- AB 1305 (*Obernolte*) *Junior hunting licenses: eligibility: age requirement* (introduced 2/22/2019)
- AB 1949 (*Boerner Horbath*) *Fisheries: California Ocean Resources Enhancement and Hatchery Program* (introduced 1/17/2020)
- AB 2028 (*Aguiar-Curry*) *State agencies: meetings* (introduced 1/30/2020)
- AB 2093 (*Gloria*) *Public records: writing transmitted by electronic mail: retention* (introduced 2/5/2020)
- SB 914 (*Portantino*) *Firearms; hunting exemptions* (introduced 2/3/2020)

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A new bill that is not in Exhibit 1 that may be of interest is SB 937 related to agency websites and document accessibility.

- SB 937 (*Hill*) *State agencies: web accessibility* (introduced 2/6/2020).

Status: 2/7/2020: From printer. May be acted upon on or after March 8. Location: 2/6/2020 – S. RLS.

Summary: This bill would authorize a state agency to temporarily remove public documents from digital access if a justifiable impediment exists and the Director of Technology verifies the impediment prohibits full compliance and the state agency complies with certain requirements, including citing the reason for the document's removal and listing options and instructions for how to access the document offline. The bill would make any file or document removed after Oct 14, 2017, subject to these requirements.

Federal Legislation

- *H.R. 30 (SAVES Act)*: Rep. Louie Gohmert (TX-1).

Status: House – 2/5/2019. Committee on Natural Resources. Referred to the Subcommittee on Water, Oceans, and Wildlife.

Summary: Limits the protection of endangered and threatened species to species that are native to the United States, thus removing protection given to non-native species in the United States that are listed as threatened or endangered.

- *H.R. 548 (FISH Act)*: Rep. Ken Calvert (CA-42).

Status: House – 2/4/2019. Committee on Natural Resources. Referred to the Subcommittee on Water, Oceans, and Wildlife.

Summary: Amends the Endangered Species Act of 1973 to vest in the Secretary of the Interior functions under that Act with respect to species of fish that spawn in fresh or estuarine waters and migrate to ocean waters, and species of fish that spawn in ocean waters and migrate to fresh waters.

- *H.R. 1240 (Young Fishermen's Development Act of 2019)*: Rep. Don Young (AK-At Large).

Status: House – 1/29/2020. House Natural Resources Subcommittee on Water, Oceans, and Wildlife – discharged.

Summary: Effort to preserve United States fishing heritage through a national program dedicated to training and assisting the next generation of commercial fishermen.

- *H.R. 3742 (Recovering America's Wildlife Act (RAWA))*: Rep. Debbie Dingell (MI-12).

Status: House – 12/5/2020. Discharged to committee; ordered to be reported (amended) by the Committee on Natural Resources.

Summary: Amends the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other education and enforcement related purposes. The Secretary of the Treasury shall

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annually transfer \$1.3 billion to a fund established for the management and implementation of wildlife and habitat conservation and restoration programs.

- *S. 2092 (Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act)*: Senator Jim Risch (ID).

Status: Senate – 7/11/2019. Read twice and referred to the Committee on Environment and Public Works.

Summary: Provides flexibility to state agencies to use Pittman-Robertson funds for the recruitment, retention, and reactivation of hunters and recreational shooters. The bill does not increase taxes or existing user fees, but would allow state fish and wildlife agencies to use existing revenues in new ways. This legislation is identical to H.R. 877 that was introduced earlier this year by Representatives Austin Scott (GA), Mark Veasey (TX), Debbie Dingell (MI), and Richard Hudson (NC).

Significant Public Comments (N/A)**Recommendation (N/A)****Exhibits**

1. [DFW legislative report, dated Feb 10, 2020](#)

Motion/Direction (N/A)



California Department of Fish & Wildlife Legislative Report

February 2020

(as of February 10, 2020)

[AB 352](#)

([Garcia, Eduardo](#) D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.

Introduced: 2/4/2019

Last Amend: 8/14/2019

Status: 8/14/2019-From committee chair, with author's amendments: Amend, and refer to committee. Read second time, amended, and re-referred to Com. on EQ.

Location: 8/14/2019-S. E.Q.

Summary: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,920,000,000 pursuant to the State General Obligation Bond Law to finance a wildfire prevention, safe drinking water, drought preparation, and flood protection program. The bill would provide for the submission of these provisions to the voters at the November 3, 2020, statewide general election. The bill would provide that its provisions are severable.

[AB 559](#)

([Arambula](#) D) Millerton Lake State Recreation Area: acquisition of land.

Introduced: 2/13/2019

Status: 1/28/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 1/28/2020-S. RLS.

Summary: Would require the Department of Parks and Recreation to effectively manage lands currently within its jurisdiction in the Millerton Lake State Recreation Area adjacent to the San Joaquin River, and would authorize the department to enter into an agreement with the conservancy to manage lands acquired by the conservancy adjacent to the state recreation area, as specified.

[AB 995](#)

([Garcia, Cristina](#) D) Hazardous waste.

Introduced: 2/21/2019

Last Amend: 9/6/2019

Status: 9/9/2019-Withdrawn from committee. Re-referred to Com. on RLS.

Location: 9/9/2019-S. RLS.

Summary: This bill would create the Board of Environmental Safety in the California Environmental Protection Agency. The bill would provide requirements for the membership of the board and would require the board to conduct no less than 6 public meetings per year. The bill would provide for the duties of the board, which would include, among others, reviewing specified policies, processes, and programs within the hazardous waste control laws; proposing statutory, regulatory, and policy changes; and hearing and deciding appeals of hazardous waste facility permit decisions.

AB 1190

(Irwin D) Unmanned aircraft: state and local regulation: limitations.

Introduced: 2/21/2019

Last Amend: 5/1/2019

Status: 6/19/2019-Referred to Com. on RLS.

Location: 5/24/2019-S. RLS.

Summary: Would, among other things, prohibit a state or local agency from adopting any law or regulation that bans the operation of an unmanned aircraft system. The bill would also authorize a local agency to adopt regulations to enforce FAA regulations regarding the operation of unmanned aircraft systems and would authorize local agencies to regulate the operation of unmanned aircraft and unmanned aircraft systems within their jurisdictions, as specified. The bill would also authorize a local agency to require an unmanned aircraft operator to provide proof of federal, state, or local registration to licensing or enforcement officials.

AB 1305

(Obernolte R) Junior hunting licenses: eligibility: age requirement.

Introduced: 2/22/2019

Last Amend: 6/18/2019

Status: 6/19/2019-Withdrawn from committee. Re-referred to Com. on RLS.

Location: 6/19/2019-S. RLS.

Summary: Current law requires the Department of Fish and Wildlife to issue various types of hunting licenses, including a discounted hunting license known as a junior hunting license, upon payment of a certain fee from an eligible applicant. Current law provides that, until July 1, 2020, a person is eligible for a junior hunting license if the person is under 18 years of age on July 1 of the licensing year. Existing law provides that, on and after July 1, 2020, a person is eligible for a junior hunting license if the person is under 16 years of age on July 1 of the licensing year. Current law makes conforming changes to certain other types of hunting licenses as a result of the age change for a junior hunting license. This bill would extend the eligibility for a junior hunting license to a person who is under 18 years of age on July 1 of the licensing year until July 1, 2021.

AB 1561

(Rubio, Blanca D) Endangered wildlife: crocodiles and alligators.

Introduced: 2/22/2019

Last Amend: 9/6/2019

Status: 9/9/2019-Read second time. Ordered to third reading. Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(c).

Location: 9/9/2019-S. RLS.

Summary: Would delay the commencement of the prohibition on importing into the state for commercial purposes, possessing with intent to sell, or selling within the state, the dead body, or a part or product thereof, of a crocodile or alligator until January 1, 2021. This bill contains other related provisions.

AB 1907

(Santiago D) California Environmental Quality Act: emergency shelters: supportive and affordable housing: exemption.

Introduced: 1/8/2020

Status: 1/30/2020-Referred to Coms. on NAT. RES. and H. & C.D.

Location: 1/30/2020-A. NAT. RES.

Summary: Would, until January 1, 2029, exempt from environmental review under CEQA certain activities approved by or carried out by a public agency in furtherance of providing emergency shelters, supportive housing, or affordable housing, as each is defined. The bill would require a lead agency that determines to carry out or approve an activity that is within this CEQA exemption to file a notice of exemption, as specified.

AB 1934

(Voepel R) Planning and zoning: affordable housing: streamlined, ministerial approval process.

Introduced: 1/15/2020

Status: 1/23/2020-Referred to Coms. on H. & C.D. and L. GOV.

Location: 1/23/2020-A. H. & C.D.

Summary: Current law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development, which satisfies specified objective planning standards, that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit. Current law requires a local government to notify the development proponent in writing if the local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards. Current law provides that if a local government approves a project pursuant to that process, that approval will not expire until a specified period of time depending on the nature of the development. This bill would, notwithstanding those provisions, authorize a development proponent to submit an application for a development to be subject to a streamlined, ministerial approval process provided that development meet specified objective planning standards, including that the development provide housing for persons and families of low or moderate income

AB 1948

(Bonta D) Taxation: cannabis.

Introduced: 1/17/2020

Status: 1/30/2020-Referred to Coms. on REV. & TAX. and B. & P.

Location: 1/30/2020-A. REV. & TAX

Summary: AUMA requires the Legislative Analyst's Office to submit a report to the Legislature by January 1, 2020, with recommendations for adjustments to the tax rate to achieve the goals of undercutting illicit market prices and discouraging use by persons younger than 21 years of age while ensuring sufficient revenues are generated for specified programs. AUMA authorizes the Legislature to amend its provisions with a 2/3 vote of both houses to further its purposes and intent. This bill would reduce that excise tax rate to 11% on and after the operative date of this bill until July 1, 2023, at which time the excise tax rate would revert back to 15%. The bill would suspend the imposition of the cultivation tax on and after the operative date of this bill until July 1, 2023. The bill would require the bureau, the Department of Food and Agriculture, and the California Department of Tax and Fee Administration to provide the Legislature with reports measuring the success of this bill, as specified.

[AB 1949](#)

(Boerner Horvath D) Fisheries: California Ocean Resources Enhancement and Hatchery Program.

Introduced: 1/17/2020

Status: 2/6/2020-Referred to Com. on W., P., & W.

Location: 2/6/2020-A. W.,P. & W.

Summary: Would expand the purpose of the California Ocean Resources Enhancement and Hatchery to encompass any marine fish species important to sport and commercial fishing. The bill would revise provisions relating to the advisory panel by, among other things, specifying which members are voting members, by adding a voting member representing the public or nongovernmental organization interests, or both, by providing for an alternate member to be designated for each voting member, and by establishing 3-year terms for each member and alternate member. The bill would require all members and alternate members to be appointed by the director after soliciting nominations for members and evaluating certain criteria. Except for the advisory panel's advisory function, the bill would eliminate the advisory panel's other functions, including the power to approve financing of any part of the program.

[AB 1951](#)

(Salas D) State flag: retirement.

Introduced: 1/17/2020

Status: 1/18/2020-From printer. May be heard in committee February 17.

Location: 1/17/2020-A. PRINT

Summary: Current law designates the Bear Flag as the State Flag of California and specifies the design of the flag. This bill would state the intent of the Legislature that when the flag is in such condition that it is no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning.

[AB 1958](#)

(Cooper D) State Plan of Flood Control: facilities.

Introduced: 1/17/2020

Status: 2/6/2020-Referred to Coms. on W., P., & W. and PUB. S.

Location: 2/6/2020-A. W.,P. & W.

Summary: Would prohibit a person from concealing, defacing, destroying, modifying, cutting, altering, or physically or visually obstructing any levee along a river or bypass at any of those specified places, any levee forming part of any flood control plan, or any other facility of the State Plan of Flood Control, including, but not limited to, any and all associated rights of way, without permission of the board. By expanding the behavior that would be punishable as a misdemeanor, the bill would impose a state-mandated local program.

[AB 2028](#)

(Aguilar-Curry D) State agencies: meetings.

Introduced: 1/30/2020

Status: 1/31/2020-From printer. May be heard in committee March 1.

Location: 1/30/2020-A. PRINT

Summary: The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Current law requires

the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting. This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting.

AB 2076

(Bigelow R) Public lands: Department of Parks and Recreation: wildfire management plan: fire hazard severity zones.

Introduced: 2/5/2020

Status: 2/6/2020-From printer. May be heard in committee March 7.

Location: 2/5/2020-A. PRINT

Summary: Would require the Director of Parks and Recreation to develop, in specified phases, and implement a wildfire management plan for all property under the jurisdiction of the Department of Parks and Recreation that is located within a high or a very high fire hazard severity zone, as provided. The bill would require the wildfire management plan to outline the department's fire prevention goals and future projects for prescribed fire, defensible space, fire resilient restoration projects, and the fire hardening of the department's structures, among other things.

AB 2093

(Gloria D) Public records: writing transmitted by electronic mail: retention.

Introduced: 2/5/2020

Status: 2/6/2020-From printer. May be heard in committee March 7.

Location: 2/5/2020-A. PRINT

Summary: Would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail.

AB 2106

(Aquiari-Curry D) Wildlife habitat: Nesting Bird Habitat Incentive Program: upland game bird hunting validation: state duck hunting validation.

Introduced: 2/6/2020

Status: 2/7/2020-From printer. May be heard in committee March 8.

Location: 2/6/2020-A. PRINT

Summary: Current law makes it unlawful to take upland game birds without first procuring a hunting license and an upland game bird hunting validation. Under existing law, moneys derived from upland game bird hunting validations are required to be deposited in the Upland Game Bird Account in the Fish and Game Preservation Fund. Current law requires a person to procure a hunting license and a state duck hunting validation to take migratory birds, as specified. Under current law, moneys derived from state duck hunting validations are required to be deposited in the State Duck Stamp Account in the Fish and Game Preservation Fund. This bill would raise by \$5 the upland game bird hunting validation and the state duck hunting validation fees, as specified,

with that \$5 to be deposited, and available upon appropriation to the department for the Nesting Bird Habitat Incentive Program, in the Nesting Bird Habitat Incentive Subaccount, which the bill would create in the California Waterfowl Habitat Preservation Account.

SB 45

(Allen D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.

Introduced: 12/3/2018

Last Amend: 1/23/2020

Status: 1/30/2020-In Assembly. Read first time. Held at Desk.

Location: 1/29/2020-A. DESK

Summary: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

SB 587

(Monning D) California Sea Otter Voluntary Tax Contribution Fund.

Introduced: 2/22/2019

Last Amend: 1/6/2020

Status: 1/23/2020-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Location: 1/23/2020-A. DESK

Summary: Current law, until January 1, 2021, establishes the California Sea Otter Fund. Current law requires any new or extended voluntary tax contribution to include the words "voluntary tax contribution" in the name of the fund, to require the administrative agency to include specified information about the fund on its internet website, and to continuously appropriate voluntary tax contributions made to the fund to the administrative agency. Current law requires the minimum contribution amount to a new or extended voluntary tax contribution fund for the second calendar year after the first appearance of the fund on the tax refund form, and each calendar year thereafter, to be \$250,000. This bill would extend the operation of the above-described provisions relating to the California Sea Otter Fund to January 1, 2028, or until an earlier date if the Franchise Tax Board determines that the amount of contributions estimated to be received during a calendar year will not equal or exceed \$250,000.

SB 914

(Portantino D) Firearms: hunting exemptions.

Introduced: 2/3/2020

Status: 2/4/2020-From printer. May be acted upon on or after March 5.

Location: 2/3/2020-S. RLS.

Summary: Current law prohibits the purchase or receipt of a firearm by, or the sale or transfer of a firearm to, any person who does not have a firearm safety certificate, as specified. Current law also prohibits the sale or transfer of a firearm by a licensed firearm dealer to a person under 21 years of age. Current law exempts from these provisions the sale, transfer, purchase, or receipt of a firearm, other than a handgun, to or by a person without a firearm safety certificate, but in possession of a valid,

unexpired hunting license, as specified. Current law also exempts the sale or transfer of a firearm, other than a handgun or semiautomatic centerfire rifle, to a person 18 years of age or older who possesses a valid, unexpired hunting license, as specified. This bill would, for purposes of these provisions, define a valid and unexpired hunting license.

For more information call:

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You can also find legislative information on the web at <http://leginfo.legislature.ca.gov/> and follow the prompts from the 'bill information' link.